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ABSTRACT

Provided are regulations for establishing the basic program parameters necessary to implement Article 3, Chapter 30 of Alaska Statutes requiring school districts and regional attendance areas to provide special services for exceptional children. Seven chapters cover the following areas (sample subareas are in parentheses): authority and responsiblity for special education in Alaska (state and local education,authorities, local school districts, and enrollment); procedures for the establishment and operation of special education programs (certified personnel, child study teams, and due process procedures); special education program placement alternatives (regular classroom placement with specialized support, self contained programs, and contracts and transfers); public school foundation schedule for special education (requirements for reporting, child certification audits and program reviews, and special education annual plan of service); exceptionality defined (mental retardation, physical disability, other health impairment, emotionally disturbed, communicative disorders, specific learning disability, and gifted and talented); other definitions (educational evaluation, least restrictive environment, and long range goals); and eligibility for special education services (specific eligibility criteria for each exceptionality). (SBH)

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Special Education Handbook

State of Alaska 1977

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PURPOSE:

All children in Alaska have a right to an appropriate education at public expense. (Article VII, Section I, Constitution of the State of Alaska. Article 3, Chapter 30 of Alaska Statutes require all Alaska's school districts and regional attendance areas to provide for special services for exceptional children.) These regulations are written for the purpose of establishing the basic program parameters necessary to implement this statute, and can be viewed as a frame of reference from which Alaskan schools can design instructional programs and strategies that will most effectively serve the needs of all exceptional children.

RATIONALE:

Learning refers to natural and continuous change in performance, and performance among children is highly variable. Children whose performance is quite unusual or whose rate of learning is quite unusual are referred to as exceptional children. With exceptional children, learning to relate effectively to environments requires special opportunities to secure the necessary knowledge, competencies, and values. These special opportunities provided for exceptional children in school programs are referred to as special education.

Chapter One:

AUTHORITY AND RESPONSIBILITY FOR SPECIAL EDUCATION IN ALASKA

*** Provision for Special Education in Alaska

The Alaska State Constitution states that "the legislature shall by law establish and maintain a system of public schools open to all children of the State and may provide for other public educational institutions."* Operation and administration of special education programs is based on Alaska Statutes 14.30.180-350, Alaska State Law, and policies and procedures of the State Board of Education.

State educational authority

The State Department of Education "shall administer the state's program of education at the elementary and secondary levels...and shall plan finance, and operate related school of education activities and facilities." The State Board of Education employs as executive officer the Commissioner of Education. (AS 44.27.010). At the local level of each borough and first class city is delegated educational responsibility for the citizens within its boundaries by statute. They function under the direction of local board of education. They operate under the authority of Alaska legislative statutes. (AS 14.14. 020-200)

Local educational authority

*** Responsibility For Special Education

State Board of Education and the State Department of Education

The State Department of Education administered by the State Board of Education has several responsibilities. When appropriate, the State Department may:

1. Employ staff necessary to carry out the functions of the Department, including general supervision of public schools. [AS 14.07.010]

2. Establish standards relating to quality of individual or general education programs [AS 14.30.101(D)], as well as standards regarding the educational component of public and private pre-elementary programs.

3. "Study the needs of public schools and recommend plans for improvement of public schools." [AS 14.07.020(2)]

4. "Provide advisory and consultative services to public schools." [AS 14.07.020(3)]

5. "Provide continuing education of children in detention homes with the coordination of the Department of Health and Social Services." [AS 14.07.020(5)]

*(Article VII, Section I: The Constitution of the State of Alaska)

6. Determine the state allowable costs for special education within the provision of the public educational foundation program. [AS 14.17.190, 14.17.200]

7. Maintain a State Special Education Plan which will provide for the development of comprehensive services delivery to all exceptional children. [P.L. 93-380, Title VI-B as amended by P.L. 94-142]

8. Monitor the quantity and quality of special education programs and services within local school district. [AS 14.07.020]

9. Establish a special education advisory council with the Commissioner of Health and Social Services, [AS 14.30.230]. This Council will be called the Alaska Planning Council for Persons with Developmental Handicaps. This Council will be composed of twenty-one (21) members appointed by the Governor and in conformance with P.L. 94-103 and P.L. 94-142. Seven (7) members will be representative of principal state agencies; seven (7) members will be persons with developmental disabilities, or parents or guardians of such persons; seven (7) members will be representatives from the public at large and from groups concerned with or providing services to persons with developmental handicaps. The Council's responsibilities will be as follows:

   a. serve as a forum by which issues and benefits regarding current and potential services to persons with developmental handicaps may be discussed by consumer, public, private, professional, and lay interests;

   b. advocate the needs of persons with developmental handicaps before the executive and legislative branches of the state government and before the public;

   c. advise the executive and legislative branches of the state government and the private sector on programs and policies pertaining to current and potential services to persons with developmental handicaps and their families, including but not limited to the type, range, and availability of services administered by state and local government, as required by P.L. 94-103 and P.L. 94-142;

   d. submit periodic reports to the Commissioner of Health and Social Services and the Commissioner of Education on the effects of current federal and state programs regarding services to persons with developmental handicaps, including program performance reports to the Commissioners of State Departments, the Governor, and the federal government, as required by P.L. 94-103 and P.L. 94-142;

e. in consultation with the departments specified above, develop, prepare, adopt, and periodically review and revise as necessary an annual plan prescribing programs which meet the needs of persons with developmental handicaps as required under P.L. 94-103 and P.L. 94-142;

f. review and comment to Commissioners of Health and Social Services and Department of Education on all state plans and proposed regulations relating to programs for persons with developmental handicaps;

g. state the priorities and specifications for the use of funds received by the state under P.L. 94-103 and P.L. 94-142 as amended;

h. submit annually to the Commissioner of Health and Social Services and the Commissioner of Education a proposed inter-departmental program budget for services to persons with developmental handicaps which includes, insofar as possible, projected expenditures for programs implemented by state agencies, local governmental agencies, and private organizations. The inter-departmental program budget should be an informational supplement to the regular annual budgetary submissions of the departments to the Office of the Governor.

10. Coordinate and make available to local school districts other state and federal services. [AS 14.50.010]

11. Require a cooperative effort from a local school district if the district cannot establish a program of sufficient size and scope. Cooperative payments will be equal to funding generated by each district involved in such a cooperative effort. The State Department of Education will write rules and regulations concerning the joint responsibilities of districts submitting cooperative applications. [P.L. 94-142, Section 614(C)(1)(2)(A)(B)]

12. Provide direct services if the Department finds that:

    A. The local district cannot meet Department requirements.
    B. The local district as determined by the Commissioner is unable to establish a cooperative program.
    C. The local district has children that can best be served by another agency.

Funds that would ordinarily accrue to the local district for direct services to those exceptional children described in "A", "B", and "C" above may be utilized by the Department for these services. [P.L. 94-142, Section 614(d)(1)(2)(3)]

Local School District

The local school district or education agency will subscribe to and participate in the Comprehensive System of Personnel Development which is an Appendix to the State Plan of Service and an addendum to this Handbook. The LEA may at its option develop its own Comprehensive System of Personnel Development which must be comparable to that proscribed by the Department of Education and which must be approved by the Department of Education. This Comprehensive System of Personnel Development includes:

1. The inservice training of general and special educational instructional and support personnel,

2. Detailed procedures to assure that all handicapped are appropriately and adequately prepared and trained and,

3. Effective procedures for acquiring and disseminating to teachers and administrators of programs for handicapped children significant information derived from educational research, demonstration and similar projects. [P.L. 94-142, Section 613(a)(3)(A)]

Each local school district assumes the responsibility to "provide for, during the school term of each year, an educational program for each school age child who is a resident of that district." [AS 14.14.090] Competent education services must be provided for the exceptional child who is at "least three years of age and for whom the regular school facilities are inadequate or not available". [AS 14.30.180]

If children in need of special education services reside in BIA villages and their parents request such services, the state supported schools must provide them if the Bureau of Indian Affairs is unable to do so. The public school will enroll such special education children from the villages served by the Bureau of Indian Affairs education division using form 05-260-24 which will allow for foundation support and federal subsidies for the handicapped when applicable.

In order to carry out AS 14.14.090, local school districts have the following responsibilities. They must:

1. Provide educational assessment of the learning, mental, and physical status of the child prior to special education placement, as well as on an annual basis. [AS 14.30.191(a)] Educational assessment shall utilize a multi-disciplinary Child Study Team approach. (See Chapter 2 of this document)

2. Maintain due process procedure as described elsewhere in this Handbook in the identification, evaluation, and placement of exceptional children.

3. Develop and provide appropriate special education programs and services for all exceptional children at the pre-school, elementary, and secondary levels within single school districts, cooperating school districts, and/or through contractual and transfer arrangements.

4. Maintain individualized education programs and establish, review and revise individualized education programs for each student placed in a program for the exceptional.

   a. This individualized education program will be developed in a planning conference initiated and conducted by the local school district.

   b. Parents will be given an opportunity to participate in the planning conference which will be conducted at a time and place mutually agreed upon between the district representative and parent or guardian. In the event the planning conference is conducted without the parent the district will maintain documentation of its effort (records of phone calls, letters, and visits with responses or lack of responses) to include the parent. In the case of a communication barrier on the part of the parent the district will provide an interpreter or other facilitator.

   c. The planning conference will be conducted within the first thirty school days of the child's attendance or within thirty days of determination of the child's eligibility for special education.

   d. The planning conference will include but not be limited to:

      1) The school superintendent or his designated school representative.

      2) The child's teacher(s).

      3) One or both parents must have an opportunity to participate.

      4) The child when appropriate.

      5) At least one professional specialist qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of exceptional children.

      6) Other individuals, at the discretion of the parent or agency.

   e. The individualized education program (I.E.P.) will follow the design as shown in the following format. (see page 2.17)

1) The I.E.P. is a basic component of a free appropriate Public Education.

2) It is specially designed instruction, at no cost to parents or guardians.

3) It is designed to meet the unique needs of the exceptional child.

4) The LEA maintains a record of the I.E.P.

5) This record is a part of the student's confidential file.

6) The LEA or the parents or guardians may wish to institute due process proceedings in regard to lack of consensus on the I.E.P.

7) The I.E.P. is established or revised thirty school days before the end of the preceding school year or within the first thirty days of the ensuing school year.

8) The I.E.P. must place the student in the least restrictive alternative.

9) The I.E.P. is developed in a joint meeting with the school superintendent or his designated school administrator, teacher(s), parent or guardian at their discretion and/or child when appropriate.

10) The development of the I.E.P. must be based on multi-factored, multi-sourced assessment.

11) Plans to implement the I.E.P. assume the availability of personnel whose capabilities will be augmented by in-service training.

12) State personnel will have immediate access to the I.E.P. on request.

13) Parents or guardians are provided an opportunity to examine the I.E.P..

14) Parents are notified in their native language of the intitiation of the I.E.P..

15) Parents are notified in their native language if the I.E.P. is changed.

16) The I.E.P. will contain those items as delineated in item 6 on page 2.17.

f. The local district which intitiates placement of a child in a private school is responsible for the development, maintenance, and evaluation of that child's I.E.P..

1) When possible a teacher or representative from the private school will be included in the I.E.P. planning conference.

2) Final responsibility for the I.E.P. for the child placed in a private school is that of the local district which originates the transfer. The local district has the option of delegating responsibility for development and maintenance of the I.E.P. to the private school.

5. Designate administrative responsibility for special education in areas of program development, assistance to teachers, establishment and management of budgets, continuous evaluation of special education programs, etc. Each school district with 12 or more special education units is strongly encouraged to employ a full-time special education administrator.

6. Submit required forms and reports to the State Department of Education which will include information regarding the current status and future needs of special education programs and services for exceptional children.

Enrollment

The parent or guardian of an exceptional child, or the school administrator, for exceptional children residing in the district shall make application for the enrollment of the child. If the administrator makes the application, it shall be with the full knowledge and consent of the parent or guardian.

The application shall be on form 05-260-24 which will be provided by the department. A copy of this form shall be submitted to the Office of Exceptional Children with the first quarter report of the current fiscal year for certification of enrollment and foundation support reimbursement. Any revision in the child's status shall be submitted within thirty calendar days of occurence.

Final certification of a student is the responsibility of the Commissioner. [AS Section 14.30.330]

Chapter Two:

PROCEDURES FOR THE ESTABLISHMENT AND OPERATION OF SPECIAL EDUCATION PROGRAMS

*** Districts shall provide services to exceptional children as detailed in a Statement of Assurances and a Fiscal Agreement.

Statement of Assurances

The Statement of Assurances and any subsequent amendments to the fiscal agreement will be considered a binding agreement between the local school district and the Department of Education regarding services for exceptional children. The District assures that it will:

1. Provide specially designed instruction, at no cost to parents or guardians, to meet the unique needs of the exceptional child, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions.

2. Have an individualized education program for each exceptional child developed in a meeting with a person who shall be qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of exceptional children, the teacher, parent or guardian of such child, and whenever appropriate, such child. Each child must have an Individual Education Program that evidences those components as listed under item 6 on page 2.17 of the Special Education Handbook.

3. Utilize the funds received through the special education fiscal agreement as follows:

   a. Under the State Special Education foundation support shall be for direct and indirect services to exceptional children as outlined in the Special Education Handbook.

   b. Under grants from federal sources for excess costs attributable to programs which provide for:

      1) Identification, location, and evaluation of children.

      2) Policies and procedures for protection of confidentiality.

      3) Full educational opportunity for all exceptional children, including:

         A. Development and maintenance of a program for personnel development including in-service training of general and special education personnel and effective procedures for acquiring and disseminating to teachers and administrators research and demonstration information.

B. Parent participation.

C. Special services to enable exceptional children to participate in regular education programs to the maximum extent practicable.

c. Provide a continuum of special education services within the district or by contract for exceptional children at all levels:

1) Pre-school

2) Kindergarten

3) Elementary

4) Secondary

d. Provide facilities, personnel, and services necessary for full service.

4. Assure that:

a. The district will maintain control of funds received from state and federal sources.

b. Those federal funds expended by the district will:

1) Be for excess costs.

2) Supplement, not supplant existing funds.

c. Programs receiving federal funds are at least comparable to programs which are not receiving federal funds.

5. a. Provide for furnishing information related to educational achievement of exceptional children to the State Department of Education.

b. Maintain records that support this information and afford access to these records to the State Department of Education.

6. Make these assurances a public document.

7. Assure that individualized programs will be established or revised, whichever is appropriate, for each exceptional child at the beginning of each school year and the program will be reviewed at least once annually.

8. Establish policies consistent with state and local plans.

9. Maintain these procedural safeguards:

   a. The local district shall provide the parents with written prior notice if the district proposes to initiate or change or refuse to initiate or change the identification, evaluation or educational placement of a child or the provision of a free appropriate public education to the child. The notice shall include:

      1) A description of the action proposed or refused by the district, an explanation of why the agency proposes or refuses to take action, and a description of any options the district considered and the reason why those options were rejected.

      2) A description of evaluation procedures, tests records or reports upon which action is based.

      3) A statement fully informing parents of all procedures available under procedural safeguards, including, but not limited to, right to challenge proposed action, right to obtain an independent evaluation of the child, and provision of a list of agencies from whom independent evaluations may be obtained.

      4) A notice which is written in common, understandable language.

      5) A notice provided in the native language of the parents unless it is clearly not feasible to do so. If the native language of the home is not written, a translator must be provided and written evidence that this has been done maintained.

   b. The local district must obtain parental consent prior to:

      1) The initiation of formal evaluation procedures.

      2) The disclosure of confidential information to anyone other than officials of participating agencies.

      3) The use of information for purposes other than those previously specified to the parent.

   c. Parents shall examine all relevant records on their child with respect to:

      1) Identification, evaluation, and educational placement of the child, and

      2) The provision of a free appropriate public education to the child.

d. The local education agency shall afford the parents or guardians the opportunity for an impartial due process hearing which:

1) Prohibits an employee or officer of the involved agency or any person having personal or professional interest in the hearing from conducting the hearing.

2) Is conducted by the local education agency.

3) Gives the parents or guardians the right to:

A. Be accompanied and advised by counsel or other persons with special knowledge or training with respect to the problems of exceptional children.

B. Present evidence, and confront, cross-examine and request witnesses to attend the hearing.

C. A verbatim record of the hearing.

D. Written findings of fact and decisions.

4) Allows parents to appeal the decisions of the impartial due process hearing to:

A. The Department of Education.

B. Civil court.

5) Assures that all hearings, reviews and other action will be carried out expeditiously, with fair consideration of the issues involved, but not later than 45 days after receipt of the complaint or requested action and that all such actions shall be conducted at times and places convenient to the parents and guardians of the child involved.

6) Provides that, unless otherwise agreed upon by the education agency and the parents or guardians, the child involved shall remain in his/her present placement until completion of proceedings or if the hearing involves initial admission into school, the child shall be placed there until completion of the proceedings, with the consent of the parent.

7) May be initiated by either the parent or the education agency.

e. If there is reason to suspect that the parents or guardian is unavailable, the local education agency shall make certified-return receipt requested written inquiry to the adult in charge of the child's place of residence, as well as to the parents or guardian at their last known address. If these efforts find that the child is without a parent or guardian, then a surrogate shall be appointed by the local education agency. The surrogate shall be appointed within 10 days after return of the requested postal receipt.

1) It must be ascertained that the appointed surrogate has no other vested interest (surrogate is not employed by the SEA or the LEA) that would conflict with his/her primary allegiance to the child he/she represents.

2) Competence of the surrogate shall be assured through training in the following elements:

A. The role and responsibilities of the surrogate.

B. The specific nature and needs of different types of exceptionality.

C. The state's policies regarding the education of exceptional children including special education statutes and regulations.

D. Existing programs.

E. Options to consider, such as special class placement, special programs, regular class placement with modification, and alternatives to public school.

F. The procedures governing the operation of special education programs.

G. The surrogate will be reimbursed for the actual costs incurred in each case.

*** CONFIDENTIALITY SECTION OF ASSURANCES

Confidentiality

1. Permit parents to inspect and review any personally identifiable data relating to their children only:

a. As soon as possible but no later than 45 days.

b. With an explanation and interpretation by the LEA.

c. Assuming the parent has such authority unless forbidden due to guardianship ruling under State law.

d. With a list of types of data collected and location of that data.

2. Maintain a record of parties obtaining access to data collected, maintained, or used toward the identification, location and evaluation of exceptional children.

   The record shall include the name of the party, data given and the purpose for which the data will be used.

3. Respond to requests from parents who believe that data relative to their child is inaccurate or misleading or violates their privacy or other rights for appropriate amendments to the data.

4. Decide whether to amend the data in accordance with the request within a reasonable period of time of receipt of the request.

5. Advise the parent of the right to a hearing in the event a decision is made not to amend the data as requested.

6. Provide an opportunity for a hearing within a reasonable time in order for the parent to challenge data to insure that it is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the child.

7. Amend the data if, as a result of the hearing, the district decides that the data is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child and so inform the parent.

8. Advise the parent if, as a result of the hearing, the district decides the data is not inaccurate, misleading or otherwise in violation of the privacy or any other rights of the child, of the right to place in the records the district maintains on the child a statement commenting on the data and setting forth any reasons for disagreeing with the decision of the district.

9. Maintain such a statement as a part of the child's record as long as the contested portion remains in the records and make the statement a part of any disclosure of the child's record.

10. Obtain parental consent before data in student records is:

    a. Disclosed to anyone other than:

       1) Other school officials, including teachers within the educational institution or LEA who have legitimate educational interests.

       2) Officials of other schools or school systems in which the student intends to enroll, upon condition that the parents be notified of the transfer, receive a copy of the record desired, and have an opportunity to challenge the content of the record.

3) Authorized representative of (i) the Comptroller General of the United States, (ii) the Secretary of Health, Education and Welfare, (iii) an administrative head of an education agency, or (iv) State educational authorities. Provided, that except when collection of personally identifiable data is specifically authorized by Federal law, any data collected by such officials with respect to individual students shall not include information (including social security numbers) which would permit the personal identification of such students or their parents after the data so obtained has been collected.

b. Used for other than identification, location, evaluation and placement.

c. Sought directly from the child by formal evaluation.

11. Should the parent or surrogate parent refuse to grant permission for release of the child's records, the participating agency shall institute due process proceedings. [P.L. 93-380], [P.L. 94-142; Section 614(a); Section 615]

For Fiscal Agreement see Chapter Four.

*** Employ Certified Personnel

Requirements for teachers of exceptional children

Special Education teachers employed to teach exceptional children must possess a valid Alaskan teaching certificate (Type A) with appropriate endorsement for their special education assignment, or they must receive departmental approval from the Commissioner of Education . (See below for departmental approval proedures.) Teachers of the gifted need only possess a Type A certificate.

Special Education suport personnel such as speech language-pathologists, psychologists, and social workers must hold a Special Services Certificate, Type C, in their field, where appropriate, or a teaching certificate, Type A with a special-field endorsement.

Special Education Administrators must hold either an Administrative Certificate, Type B, endorsed in Administration of Special Education, or a Regular Teaching Certificate, Type A, endorsed in Special Education with an Administrative Certificate, Type B.

Special Education Classroom Aides need not hold a state certificate but should evidence competencies in working with exceptional children and should work under the direct supervision of certified or approved special education personnel.

DIGEST OF REQUIREMENTS FOR TEACHER CERTIFICATION IN ALASKA

Title of Certificate	Minimum Requirements	Endorsements[6]	Renewal Requirements
Type A **Regular Certificate** Valid for five years $30 application fee[5]	*Plan 1:* (a) Completed an approved teacher education program.[1] (b) has a bachelor's degree, (c) has a recommendation (endorsement) from the preparing institution and (d) has recency credit,[2] *Plan 2:* (a) Completed a comparable program[7] in another state, (b) is recommended by the preparing institution, (c) has recency credit.[2]	*Examples:* Elementary Secondary [in academic major] Special education [in academic major] K-12 [in academic major] School Librarian Guidance Counselor Speech Therapist Vocational[3] Others	(a) Six semester hours of renewal credit[4] earned during the life of the expiring certificate, plus, (b) evidence of satisfactory service from the chief school administrator.
Type B **Administrative Certificate** Valid for five years $30 application fee[5]	*Plan 1:* (a) Completed an approved program[1] in school administration, (b) has a master's degree or higher, (c) has a recommendation (endorsement) from the preparing institution, (d) has three years of satisfactory teaching experience on a regular teaching certificate, and (e) has recency credit.[2] *Plan 2:* Same as for Type A-2 and has three years of satisfactory teaching experience on a regular certificate.	*Examples:* School Superintendent School Principal Administrator of Special Education Administrator of Vocational Education Others	Same as for Type A.
Type C **Special Services Certificate** Valid for five years $30 application fee[5]	*Plan 1:* (a) Completed a program in a special service area but not in teacher education, (b) has a bachelor's degree, (c) is recommended by the preparing institution, and (d) has recency credit.[2] *Plan 2:* Same as for Type A-2.	*Examples:* Nursing Social Work Psychology Speech Therapy Library Others	Same as for Type A.
Type D **Vocation Trades** Valid for two years $10 application fee	(a) Four or more calendar years of full-time work experience in a trade or vocational pursuit, of which, not more than two years may be formal training [trade school, technical institute, etc.], (b) a statement from one or more training agencies or past employers substantiating the experience, and (c) has proof of employment to instruct in his trade or vocational area in an accredited school district in Alaska.	Based on the specific trade or vocation area. *Examples:* Plumbing Carpentry Auto Mechanics Electronics Others	Three semester hours of credit [academic or non-academic], or additional training and/or work experience, acceptable to the Commissioner of Education, plus evidence of satisfactory service from the chief school administrator. Proof of employment in a school district in Alaska.
Letter of Authorization **Type I Recognized Expert** Valid for one year $10 application fee	(a) Experience qualifying applicant an expert in a specific area, verified by a detailed resume and, (b) a request from the school board through the chief school administrator.	*Examples:* Special Languages Local Arts Others	Request of the school board through the chief school administrator
Letter of Authorization **Type II Emergency** Valid for one year $10 application fee	Granted in an extreme emergency to an applicant who does not meet the requirements of a regular certificate and only at the request of the school board through the chief school administrator certifying that a regularly certificated person is not available.	*Examples:* Emergency Elementary Emergency Secondary	

Nothing in this digest will abrogate commitments which were in existence prior to April 1, 1971.

[1] Approved programs: Those offered by regionally accredited teacher training institutions which have been approved by the Alaska State Board of Education, or a comparable program in another state, as meeting the minimum requirements established by the "Standards for State Approval of Teacher Education," U. S. Department of Health, Education and Welfare, 1971 Edition. (i.e.) NASDTEC Standards.

[2] Recency credits: Six semester hours of credit earned within the five-year period prior to application.

[3] A regular certificate may be endorsed for teaching "gainful employment" vocational education courses which are operated under memorandum from the Department of Education. This endorsement requires two calendar years of successful related work experience outside the field of education (approximately 2,000 hours per year).

[4] Three of the six semester hours of renewal credit may be by correspondence courses or non-academic credit for the completion of institutes, workshops, travel, etc., with prior approval from the Commissioner of Education.

[5] A fee of $10 will be charged for endorsements added after the current certificate was issued, if the applicant was qualified for the additional endorsement at the time the current certificate was issued.

[6] Endorsements reflect the major teacher training areas.

[7] Programs having the same requirements as those required by the training institute (University) in Alaska.

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Departmental Approval Procedures

Teachers or administrators who are responsible for handicapped children and who do not possess a valid Alaskan teaching certificate with appropriate endorsement for their professional assignment must be approved by the Department of Education. The teacher obtains departmental approval by submitting in writing, to the Department of Education, Office for Exceptional Children, the following:

1. A description of the teacher training program they are enrolled in that will lead to certification appropriate to their assignment.

2. An indication they will complete the training program as described in three years or less.

3. Confirmation of said enrollment from an accredited institution of higher learning.

4. A letter from the Superintendent of the LEA that describes the competencies of the teacher in question to instruct exceptional children and indicates his approval of the professional assignment and his personal assurances that all other avenues of teacher recruitment have been exhausted.

*** Establish and Implement Systematic Procedures for Initial Child Identification.

Coordinated efforts are important in child identification

The child should be the focus of concern for special education. Each school district designates responsibility and develops procedures for initial identification of all district children ages 3-19, whether enrolled in school or not, who may be in need of special education. Identification procedures should involve the coordinated efforts of all appropriate agencies, and participation by individual citizens should be encouraged. Each school district should maintain information regarding special education programs and services and make this program information available to public and private agencies, parents of exceptional children , private physicians, and other interested persons upon request. Initial identification procedures may include: systematic continuous screening process, census or surveys of in-school and out-of-school children, or referrals from parents, medical personnel, school personnel, community agencies, legal authorities, and other interested persons.

*** Establish Child Study Team(s)

Child Study Teams should give individual attention

When a child has been identified as one who will potentially benefit from special education programs and services, it will be the responsibility of the school district to initiate further review and evaluation of the child's education needs before an educational placement is made. A multi-disciplinary team(s) shall provide educational evaluations of exceptional children and make appropriate educational recommendations.

Each school district or cooperative school district shall provide at least one Child Study Team which will meet on a regular basis. School districts may have more than one Child Study Team depending on the size of the district and the number of children to be served. The composition of the Child Study Team(s) may vary from child to child depending on the nature of the exceptionality, but team consistency for any given child should be maintained.

The Child Study Team shall be composed of at least three members which shall include the school superintendent or his designated school representative, teacher(s), the parent or guardian at their discretion, the child when appropriate, and at least one professional specialist qualified to provide, or supervise the provision of, specially designed instruction to meet the unigue needs of exceptional children. Other persons who may also be included whenever appropriate include the school principal, special education director, physician, psychologist, speech-language pathologist, social worker, school nurse, diagnostic prescriptive teacher, and other persons involved in evaluation of the child. A chairperson for the Child Study Team should be selected to review referrals and conduct meetings of the Team.

Functions of the Child Study Team

The Child Study Teams conduct educational evaluations by collecting and examining existing school and other records to determine the appropriateness of the special education placement: making necessary changes in education placement, providing appropriate follow-up of children returning to the regular education programs; and conducting an annual review of all students receiving special education programs and services.

*** Components of an Educational Evaluation

Each child must be given an evaluation before initial placement or denial of placement. An evaluation must be conducted before the child is transfered or transfer is denied from a special education program to full-time regular class placement. Any change in a child's special education placement must be based on (1) the child's current individualized education program, and (2) any other information relating to the child's current educational performance.

All tests and other evaluation materials must be: (1) provided and administered in the child's native language or other mode of communication unless it is clearly not feasible to do so; (2) validated for the specific purpose for which they are used; (3) recommended by their producer for the specific purpose for which they are used; and (4) administered by personnel who meet applicable certification or licensure requirements under state law.

In test selection and administration, if a test is administered to a child with impaired sensory, manual or speaking skills, the test results must accurately reflect the child's aptitudes or achievement level or whatever other factor the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills.

No one test or type of test or other means of evaluation may be used as the sole criterion for placement.

Information from sources other than ability or achievement tests, including information concerning physical condition, sociocultural background, and adaptive behavior in home and school, must be gathered and considered and the weight given to each of these sources documented.

The interpretation of the evaluation data and the subsequent determination of the child's educational placement must be made by a team or group of persons knowledgeable about the child, the meaning of the evaluation results, the placement options, and the personnel available to provide special education and related services.

If the information derived either from ability and achievement tests or from other sources results in a showing that the child does not, because of a disability, need instruction in a special setting, the child will not be placed outside the regular instructional setting.

Each exceptional child's individualized education program must be revised periodically,but not less than annually, and a formal re-evaluation based on the procedures described above must be conducted every three years or more frequently if conditions warrant or if the child's parent or teacher requests an evaluation.

Protective features required in an Educational Evaluation

Assessment instruments and procedures for an educational evaluation should be behaviorally oriented and should be selected to measure appropriate behaviors. Such materials or procedures will be selected and administered so as not to be racially or culturally discriminatory and shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so. No single procedure shall be the sole criterion for determining an appropriate educational program for a child. [P.L. 94-142, Section 612(5)(C)] Standards for interpreting test results must reflect general cultural expectations, but must also reflect particular local and individual expectations, including those related to ethnic identification. No one test or type of test or other means of evaluation is used as the sole criteria for placement.

Parents or guardians must be given the right to appeal the results or decisions derived from, an educational evaluation and the right to other due process regulations within the Administrative Procedures Act. [AS 14.30.191(c)]

Educational evaluation results must be maintained as confidential. However, they must be available for review by the child's parents or guardians and the Department of Education upon request. Assessment and evaluation must be conducted by appropriate and qualified personnel and should result in classifications of children for funding and reporting purposes as well as defining appropriate educational programming. Educational evaluations should not categorize and/or label children except for funding and reporting purposes. Should the parents refuse evaluation, due process procedures may be implemented by the district.

*** Special Education Placement

Information needed for placement

After the Education Evaluation has been completed, the Child Study Team will meet to discuss the results and make recommendations for educational programming. The Child Study Team evaluation must include a summary of the assessment findings as well as the following information recorded on an appropriate form and signed by all team members:

1. Determination of eligibility for special education placement.

2. Determination of the type of exceptionality to be used for reporting purposes.

3. Description of educational recommendations including long and short-term objectives as well as suggestions for on-going assessment of the child's functioning.

4. Recommendations for most appropriate special education placement.

Protective features required of Special Education Placement

When making an educational placement, the child must be placed within a minimal time which shall not exceed thirty (30) days between initial identification and educational placement. Placement decisions must also result in the provision of services in the least restrictive alternative. It is expected that exceptional children will, whenever possible, be educated in the regular education program with appropriate special education support services.

All records concerning educational placement decisions must be treated as confidential, but must be available for review by the child's parent or guardians and the State Department of Education. Written consent of parents or guardians must be secured prior to special education placement of child, and parents or guardians must be given the right to appeal placement decisions. (See next section)

Due Process Procedures

Maintain these procedural safeguards:

1. The local district shall provide the parents with written prior notice if the district proposes to initiate or change or refuse to initiate or change the identification, evaluation or educational placement of a child or the provision of a free appropriate public education to the child. The notice shall include:

a. A description of the action proposed or refused by the district, an explanation of why the agency proposes or refuses to take action, and a description of any options the district considered and the reason why those options were rejected.

b. A description of evaluation procedures, tests records or reports upon which action is based.

c. A statement fully informing parents of all procedures available under procedural safeguards, including, but not limited to, right to challenge proposed action, right to obtain an independent evaluation of the child, and provision of a list of agencies from whom independent evaluations may be obtained.

d. A notice which is written in common, understandable language.

e. A notice provided in the native language of the parents unless it is clearly not feasible to do so. If the native language of the home is not written, a translator must be provided and written evidence that this has been done maintained.

2. The local district must obtain parental consent prior to:

a. The initiation of formal evaluation procedures.

b. The disclosure of confidential information to anyone other than officials of participating agencies.

c. The use of information for purposes other than those previously specified to the parent.

3. Parents shall examine all relevant records on their child with respect to:

a. Identification, evaluation, and educational placement of the child, and

b. The provision of a free appropriate public education to the child.

4. The local education agency shall afford the parents or guardians the opportunity for an impartial due process hearing which:

a. Prohibits an employee or officer of the involved agency or any person having personal or professional interest in the hearing from conducting the hearing.

b. Is conducted by the local education agency.

c. Gives the parents or guardians the right to:

1) Be accompanied and advised by counsel or other persons with special knowledge or training with respect to the problems of exceptional children;

2) Present evidence, and confront, cross-examine and request witnesses to attend the hearing;

3) A verbatim record of the hearing; and

4) Written findings of fact and decisions.

d. Allows parents to appeal the decisions of the impartial due process hearing to:

1) The Department of Education.

2) Civil court.

e. Assures that all hearings, reviews and other action will be carried out expeditiously, with fair consideration of the issues involved, but not later than 45 days after receipt of the complaint or requested action and that all such actions shall be conducted at times and places convenient to the parents and guardians of the child involved.

f. Provides that, unless otherwise agreed upon by the education agency and the parents or guardians, the child involved shall remain in his/her present placement until completion of proceedings or if the hearing involves initial admission into school, the child shall be placed there until completion of the proceedings, with the consent of the parent.

g. May be initiated by either the parent or the education agency.

5. If there is reason to suspect that the parents or guardian is unavailable, the local education agency shall make certified-return receipt requested written inquiry to the adult in charge of the child's place of residence, as well as to the parents or guardian at their last known address. If these efforts find that the child is without a parent or guardian, then a surrogate shall be appointed by the local education agency. The surrogate shall be appointed within 10 days after return of the requested postal receipt.

a. It must be ascertained that the appointed surrogate has no other vested interest (surrogate is not employed by the SEA or the LEA) that would conflict with his/her primary allegiance to the child he/she represents.

b. Competence of the surrogate shall be assured through training in the following elements:

1) The role and responsibilities of the surrogate.

2) The specific nature and needs of different types of exceptionality conditions.

3) The state's policies regarding the education of exceptional children including special education statutes and regulations.

4) Existing programs.

5) Options to consider, such as special class placement, special programs, regular class placement with modification, and alternatives to public school.

6) The procedures governing the operation of special education programs.

7) The surrogate will be reimbursed for the actual costs incurred in each case.

*** Specific Hearing Procedures

The hearing shall be at a time and place reasonably convenient to the parent or guardian, and must be scheduled no later than fory-five (45) days after receipt of the request for hearing from the parent or guardian. The hearing shall be closed unless both parties request an open hearing.

The chairman of the local school board shall appoint a hearing officer who is in his opinion an unbiased and impartial person, and who (a) did not directly participate in the formulation of the educational evaluation or the proposed placement, and (b) does not occupy a position which is, directly or indirectly, under the jurisdiction of the school official who made the decision for the proposed placement or in any way supervised or otherwise participated in the educational evaluation process.

The decision of the hearing officer shall be based solely upon the evidence presented at the hearing. The school district must bear the burden of proof as to all facts and as to the appropriateness of the educational evaluation and the proposed placement.

A tape recording or other record of the hearing shall be made and made available to the parent or guardian or his counselor for a period not exceeding thirty (30) days.

At a reasonable time prior to the hearing, the parent or guardian, or his counselor shall be given access to all official records of the school district pertaining to his child, including any tests, reports or other materials considered in the formulation of the educational evaluation and other information, if any, upon which the proposed placement is based.

The parent or guardian, or his counsel, shall have the right to present evidence and testimony at the hearing, including expert medical, psychological or educational testimony. Pending a determination by the hearing officer, the school district shall take no action to effectuate the proposed placement if the child's parent or guardian objects to such action. Such objection must be in writing and postmarked within five (5) days of the receipt of the notice of hearing above.

Within thirty (30) days after the hearing the hearing officer must render a decision in writing determining the appropriate educational placement for the child. This decision will include findings of fact and shall be filed with the school district board and sent by registered mail to the parent or guardian and his counsel. Any party aggrieved by the findings and decision rendered in such a hearing may appeal to the Commissioner of Education who shall conduct an impartial review of such hearings. The Commissioner shall make an independent decision upon completion of such review. This decision is final and binding on all parties unless appealed within thirty (30) days as provided in Rule 45 of the Rules of Appelate Procedure of the State of Alaska. [P.L. 94-142; Section 615(C)] [Authority; (AS 14.30.191(b)(c)]

During the pendency of any proceedings conducted pursuant to the hearing procedures, unless the Department of Education or district and the parents or guardians otherwise agree, the child shall remain in the then current educational placement of such child, or, if applying for initial admission to a public school, shall, with the consent of the parents or guardians, be placed in the public school program until all such proceedings have been completed. [P.L. 94-142; Section 615(e)(3)]

*** Maintain Appropriate Records of Pupil Progress as Well As Other Appropriate Special Education Program Data

Each local school district is required to maintain descriptive information about the quantity and quality of special education programs for review by the State Department of Education. This information will include but is not limited to the following:

Data required of local districts

1. Local efforts initiated to locate unserved or underserved children (Child Find and screening).

2. A referral procedure that may be utilized by anyone in the community even the child him/herself.

3. Evaluation:

   a. Testing that is non-discriminatory.

   b. Multi-disciplinary (includes speech, etc.).

   c. Multi-sourced (includes tests, observations, etc.).

   d. Carried out by qualified personnel.

   e. Recent - within last year.

   f. Considers:

      1) Personal data.

      2) Educational history.

      3) Medical history.

      4) Observation in present educational environment.

4. The Child Study Team is made up of a representative of the administration, the child's teacher(s), parent, and/or the child when appropriate, at least one professional specialist qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of exceptional children, and other individuals at the discretion of the parent or agency.

5. The child's placement

   a. Is based on a behavioral description.

   b. Considers the child's strengths, weaknesses, and needs.

   c. Has the parent's concurrence in writing (and in the native language when appropriate).

   d. Is in the least restrictive alternative.

   e. Is effected by a Child Study Team.

6. Each child must have an Individual Educational Program that:

   a. Contains a statement of the child's present level of performance.

b. Sets annual goals and short-term objectives.

c. Delineates special education services and instructional materials.

d. Shows the extent of participation in the regular educational program.

e. Gives the date of program initiation and the anticipated duration of services.

f. Evidences a component for I.E.P. evaluation as to effectiveness.

g. Is reviewed annually (near the conclusion of the school year or the beginning of the ensuing school year).

h. Is reviewed and revised (as indicated) at least one other time annually.

i. Has a copy maintained in each child's confidential file.

7. Any program change must be agreed to in writing by the parent/guardian.

8. District procedures for individual protection:

   a. Practice as to confidentiality.

   b. Policy for procedural rights.

   c. Parental acknowledgement of receipt of due process procedures in parent's native language (as indicated and practical) ("a" and "b" may be developed locally or the district may adapt DOE samples).

9. The district has developed its own or adopted the State's Comprehensive System of Personnel Development.

10. Pupil enrollment data.

11. Continuous pupil program records.

12. Information concerning the status of special education personnel.

13. Financial data.

14. Summary of special education program progress and effectiveness.

Chapter Three:

SPECIAL EDUCATION PROGRAM PLACEMENT ALTERNATIVES

*** General Placement Guidelines

Placement must be highly individual

The best placement option for an exceptional child is the total configuration of possible program services which has the highest probability for assisting the child in reaching long-range goals and short-range objectives. Appropriate placement options for services are those that historically have proven functional for children. Placement options will be selected according to individual student goals and objectives which have been determined after an educational evaluation.

In considering placement options, the district must give preference to those Special Education placements for exceptional children in or near their resident school district [AS 14.30.285(a)]. Further preference shall be given to those placements which maintain the exceptional child as closely as possible to the regular classroom program. In no case can a child be placed in a special education program outside his district without written consent of his parent or guardian [AS 14.30.285(f)].

Regular Classroom Placement with Specialized Support

If the assessment of learner needs indicates that the pupil's exceptionality is not severe, regular classroom placement with some level of support is the preferred placement option. Such support could include:

1. The provision of specialized materials for use by the regular teacher to provide needed service.

2. Consultative support to the regular classroom teacher in planning and implementing programs to meet the child's needs, from a staff resource teacher, or from a district or regional resource person.

3. Itinerant instructional services provided in class to the exceptional child by a staff resource teacher, or by a district or regional itinerant specialist.

Regular Classroom Placement Supplemented with Resource Room Placement

When the diagnostic assessment of an exceptional pupil indicates that intensive individualized programming outside the regular classroom is appropriate, resource room placement may be utilized. Resource rooms may be established to serve a building or local district (depending on accessibility) and should be staffed with trained personnel who are able to assess instructional programs. Such special individualized instruction may also be provided by a district or regional itinerant specialist outside the

regular class. In general, such resource room placement should be highly supportive of the regular class program, and should not remove the pupil from his regular class for more than three hours per day. Such placement could, of course, involve much less than two hours per day.

A self-contained classroom or other specialized facility may be operated by a school district in order to provide instruction as established by an I.E.P.. Pupils in self-contained classrooms should have access, when needed, to all other support services.

Self-contained program

Instruction in the home or in a hospital by an itinerant teacher, should be considered when the diagnostic assessment indicates that the exceptional pupil is:

Home and hospital programs

1. Unable to tolerate or adapt to the learning conditions usually found in a school setting on either a full or partial day basis; or,

2. temporarily or permanently physically or medically disabled to such an extent that attendance would involve serious risk to the pupil's welfare.

This placement option should be considered only when other alternative placements in the district have been exhausted. The instructional services should be provided by an itinerant specialist who has competencies in individualizing instructional programs and who has access to a local or regional learning resource center. If provided, ten hours of instruction per week will generate an FTE of 1.0 in average daily membership when computing state foundation program support. [AS 14.30.305]

Children with problems so severe that they require 24 hour residential care may, with the approval of the Commissoner of Education [AS 14.30.285(b)], be referred to the State Department of Health and Social Services for possible institutional admittance.

Institution program

In certain instances, a local district can contract with a state approved educational agency to provide educational services for a group of exceptional children who reside in or have been transferred to the district. The Alaska Department of Education, at the discretion of the Commissioner of Education, may also contract with a local district, institution, or other educational agency to provide educational services to exceptional children when services would not otherwise be available to those children.

Contracts and Transfers: vehicles to insure appropriate service when the district cannot provide

When a group contract arrangement is used, the contract shall not release the district from its responsibility for and control of the quality of the educational program provided. Such a contract must include the following elements:

1. Description of the services to be provided.

2. Description of the setting in which services are to be provided.

3. The child's (or children's) resident district(s) when applicable.

4. Description of how contracted personnel are to be served.

5. Description of how services are to be coordinated with the school district activities.

6. Provisions to insure that at least quarterly notes and records will be maintained by the contract on the educational and related progress of each individual child. Such notes or records will be summarized at least quarterly and forwarded to the contracting district.

7. Methods of determining charges and reimbursement.

8. Total dollar amount of contract.

9. Duration of contract.

10. Specification of frequency of contract review.

11. Assurances that the contracted educational personnel and services meet all licensing and/or certification requirements for special education.

12. Assurance that contracted services are to be provided in compliance with existing Alaska State school law and Department of Education regulations.

13. Specification of the terms whereby the contract may be altered or terminated.

14. Signatures of authorized district, personnel and the institution. Contracts between districts and the State Department of Education must also be signed by the Commissioner of Education or his authorized representative.

Transfer of students for special education

When the local district does not have adequate resources to provide an appropriate program for an exceptional pupil, it may with prior approval of the Commissioner of Education initiate a transfer to place the pupil in an appropriate program. Since

a transfer involves a change in the educational program status of the child, written consent of the parent or guardian is required before such a transfer can be effected. There are several different types of transfers that may be effected for students needing special services. They are: Ward-of-State, Transfer for Evaluation, Inter-District, and Out-of-State. All Inter-district and Out-of-State transfers must have prior approval of the Commissioner of Education. Only Ward-of-the-State transfer does not require prior approval of the Commissioner. [AS 14.30.285(b)]

Ward-of-State

The student who is a ward of the state can be placed by a state agency in an educational program (with written consent of a duly appointed surrogate parent) outside his residential district. Two alternative placements are possible:

1. The student may be placed directly in a state institution.

2. The student may be placed within a district program other than an institution. The student is then treated as an inter-district transfer and the Alaska Department of Education pays the local tuition rate to the district.

If placed by federal agencies, all costs are paid by the federal government.

Transfer for Evaluation

If the transfer is for evaluation purposes, a memorandum (DOE form 05-252-24) is used between the sending and receiving districts. If approved by the Commissioner of Education, the full cost of the evaluation will be the responsibility of the State.

Inter-district Transfer

In transfers between two school districts, the sending district pays the receiving district an amount equal to the sending district's tuition rate and the state bears all other expenses. DOE form 05-252-24 Memorandum of Agreement is used between the sending, receiving districts and the Department of Education.

Out-of-State Transfer

This alternative would involve a special program placement outside the State of Alaska when local and other in-state options are not available to an exceptional pupil. Such placements are reserved for those extreme cases where the severity and type of exceptionality is such that no in-state placements can be made. Mild and moderate exceptionalities are not to be considered for this type of transfer. All out-of-state program placements are made by the Commissioner of Education [AS 14.30.288(c)], and 100% of the costs of such placement are assumed by the Department of Education.

No placement can be made without the written consent of the parent or legal guardian.

In all cases where a transfer is implemented the sending district must assure that:

1. Placement has been determined by the district's Child Study Team. The Team must establish that an appropriate program is unavailable or unfeasible locally.

2. The child is provided with an Individualized Education Program as determined by the sending district's Child Study Team.

3. Receiving schools and facilities meet state standards and comply with P.L. 94-142 herein after.

4. The student's rights are protected through due process and confidentiality.

5. Placement is commensurate with the school year of the initiating district unless otherwise determined by the Commissioner of Education.

6. Placement is reviewed and revised annually.

NOTE: State Department of Education policy for applying to the Commissioner of Education for a student transfer may be received from the Office for Exceptional Children c/o Alaska Department of Education.

Participation of Private School Children

Exceptional children who are enrolled in private schools may participate in programs conducted for the exceptional in public schools upon referral and upon approval by their parents. Upon enrollment in the public school program for the exceptional, the child will be entitled to all those protections and provisions under the State Plan of Service and the Special Education Handbook ordinarily required for children enrolled in public schools.

Chapter Four:

PUBLIC SCHOOL FOUNDATION SCHEDULE: SPECIAL EDUCATION

ADM and FTE Computation

State and Local effort is calculated on the generation of Average daily membership (ADM) or its Full Time Equivalent (FTE). The formula as contained in AS 14.17.041(d) is:

ADM Full-Time equivalent	No. Instructional Units
5-8	1
9-15	2
16-24	3
25-35	4
36 and over	4 plus 1 for each 11 pupils or fraction of in Full-Time Equivalency.

A student who is participating in regular education classes may be included in the ADM count for regular education and for the FTE count for Special Education.

A student who is participating in education services through correspondence may be included in the FTE count for special education if:

1. the student is isolated to the extent that regular school enrollment is impractical and

2. current correspondence fiscal resources are inadequate to meet the student's needs.

Special education instruction to children who are at home must constitute at least 10 hours per week to generate 1 FTE. [AS 14.30.305]

*** Criteria for the Fiscal Agreement

The Department of Education will approve the annual fiscal agreement which meets the reqirements as stipulated by the Special Education Handbook. Should the local district fail to comply with the requirements, appropriate funds will be withheld until compliance is met. [P.L. 94-142; Sect. 614-(b)(2)(A)(i)]

The district's fiscal agreement when approved:

Will indicate maximum level of funding (FTE) allowable.

Will authorize foundation fund awards to a district.

Will include no special education teaching personnel with a pupil teacher ratio in excess of 15 FTE to 1.

Will provide evidence that a certified special education person and any combination of classified aides generates no more than 25 FTE.

Will include no full-time aides (under the direct supervision of a special education teacher) with an FTE ratio in excess of 5 to 1.

*** Amendments to the Fiscal Agreement: Amendments

Must delineate changes in resources needed to meet changing program demands.

Require resubmittance of Form 05-244-24.

*** Reporting

Form 05-244-24 must accompany all new Fiscal Agreements or Amendments and Districts must report anticipated expenditures. Special education expenditures are those costs incurred by a school district for the education of its exceptional children in excess of the cost of basic education. The amounts reported must agree summatively with function codes 200, 300, and 400 (Financial Accounting Manual for Public Schools) for all state foundation monies expended in the district's Special Education program. Requirements for reporting

Inconsistencies between a district's Fiscal Agreement and its projected operating budget must be reconciled prior to final approval.

Districts must maintain an enrollment form 05-260-24 provided by the Department of Education on each child having been certified and in receipt of special education services during the school year. No child shall be reported more than once on this listing. Records for aggregate days of special education membership must be maintained. All records must be kept for three years.

No final payment of foundation funds will be made to a district that:

1. Does not employ certified or approved personnel as set forth in Chapter Two of these regulations.

2. Is providing services to any child who is determined to be erroneously classified as eligible. [P.L. 94-142, Section 613(a)(5)]

*** Special Attendance

In the computation of foundation units for special education support, each district will usually be treated as a single unit. Special attendance areas will not be allowed without

specific written approval from the Commissioner of Education. Districts should not consider applying for a special attendance area for a component of its special education program unless that component reflects a state-wide or region-wide effort i.e., the Alaska State Program for the Deaf.

*** Full-Time Equivalencies (FTE)

Full-time equivalencies will be determined by levels of services offered exceptional children. Level 1 will include those exceptional children in need of minimal special education programming. Programs might include services to gifted or mildly handicapped exceptional children. In all cases service delivery systems will be integrated resource support programs. Level one equals .25 FTE.

Levels of services determine full-time equivalencies

Level 2 is in conjunction with regular classroom instruction. From one-fourth to one-half of this child's educational program must be of special services nature.

The instruction or therapy could consist of several different sessions with different specialists, or the time could be spent in a self-contained special education resource support room. Examples of services provided at this level would be more intensive speech therapy, braille, or adaptions in certain basic skill subjects. Level 2 equals .50 FTE.

Level 3 children would be those who must receive, in addition to the regular educational program, between one-half to three-fourths "special" direct instruction. Level 3 equals .75 FTE.

Children at Level 4 are those who are so severely handicapped that they must receive intense special education programming. The most severely handicapped children at this level might spend the entire school day in special education classes. This level would apply to children in special education classes in the regular schools and also to those who attend special service centers. This level also includes hospitalized and homebound children who receive 10 hours of instruction per week. Level 4 equals 1.0 FTE.

*** Child Certification Audits and Program Reviews

Each school district shall stand audit at least once each three years and anytime after thirty (30) school days into a school year to provide the following data to the Commissioner of Education:

Audits

1. The number of students reported as exceptional, their exceptionality and level of service as reported on DOE For 05-260-24.

2. The program placement and the service provided. See Chapter Three, Program Placement Alternatives and Chapter One, Maintain Individualized Educational Programs.

Additional audits may occur at any time if:

1. Districts do not report number of children served on DOE form 05-260-24.

2. If report on DOE form 05-244-24 does not agree with preliminary foundation reports.

3. If the population of exceptional students listed on DOE form 05-244-24 differs markedly from normal population curves.

4. At any time upon direction of the Commissioner of Education.

*** Program Reviews are scheduled as necessary and are a best practice review which is an indepth study of the district's special education program.

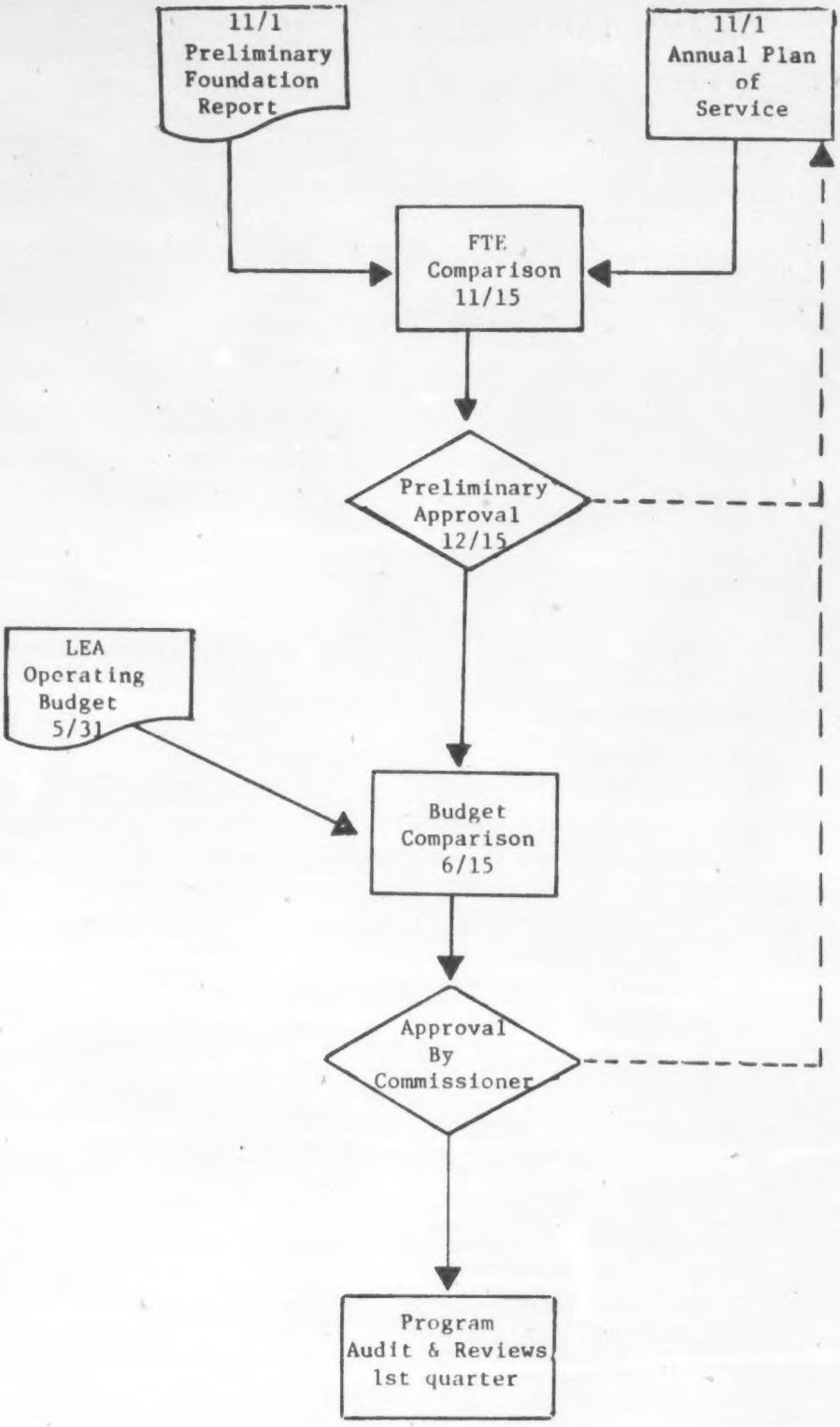
1. Programs may need to be drastically realigned.

2. Resources from outside the district may need to be brought to bear on the noted problem areas at the expense of the LEA.

3. Special Education funds may be significantly reduced.

4. Additional resources may be allocated from Department of Education or other.

5. An audit may be recommended.



Schematic of Procedure Leading to Approval of
Special Education Annual Plan of Service

ALASKA DEPARTMENT OF EDUCATION

SPECIAL EDUCATION FISCAL AGREEMENT

District _____ (Proposed) FY _____ Placement Options

	NUMBER OF CHILDREN SERVED BY							DOE USE ONLY	
Categories	Self-Contained Classroom	Resource Room	Consult/ Itinerant Services	Hospital or Home bound	Other (Specify)	TOTAL	FTE Requested	FTE Approved	Units Approved
Mentally Retarded									
Learning Disabled									
Emotionally Disturbed									
Other Health Impaired									
Orthopedically Handicapped									
Visually Handicapped									
Speech Impaired									
Hard of Hearing									
Deaf									
Gifted and Talented									
Total Infant									
Total Preelementary									
Total Elementary									
Total Secondary									
GRAND TOTALS									

Authorized Signatures:

05-244 24 REV/3/77

District Administrator Date District Board Chairperson Date

PERSONNEL EMPLOYED	NUMBER
Special Education Director/Coordinator/Supervisor(s)	
School Psychologist(s)	
Psychometrist(s)	
School Social Worker(s)	
Consulting Teacher(s)	
Special Education Teacher(s)	
Special Education Aide(s)	
Homebound Teacher(s)	
Speech Pathologist(s)	

BUDGET EXPENDITURE DETAIL	EXPENDITURES STATE	FEDERAL
200 SPECIAL INSTRUCTION		
320 Certificated Salaries		
330 Classified Salaries		
350 Employee Benefits		
351 Employee Insurance		
354 Workman's Compensation		
355 FICA Contributions		
356 Retirement Contributions – Teachers		
357 Retirement Contributions – Public Employees		
400 Professional & Technical Services		
426 Travel		
451 Teaching Supplies		
470 Instructional Media		
471 Textbooks		
472 Library Books		
473 Periodicals		
474 Other Instructional Media		
510 Equipment		
530 Other (Identify)		
TOTAL SPECIAL INSTRUCTION		
300 SUPPORTING SERVICES – PUPILS		
320 Certificated Salaries		
330 Classified Salaries		
350 Employee Benefits		
351 Employee Insurance		
354 Workman's Compensation		
355 FICA Contributions		
356 Retirement Contributions – Teachers		
357 Retirement Contributions – Public Employees		
400 Professional & Technical Services		
426 Travel		
454 Office Supplies		
470 Instructional Media		
510 Equipment		
530 Other (Identify)		
TOTAL SUPPORTING SERVICES – PUPILS		
400 SUPPORTING SERVICES – INSTRUCTION		
320 Certificated Salaries		
330 Classified Salaries		
350 Employee Benefits		
351 Employee Insurance		
354 Workman's Compensation		
355 FICA Contributions		
356 Retirement Contributions – Teachers		
357 Retirement Contributions – Public Employees		
400 Professional & Technical Services		
426 Travel		
454 Office Supplies		
470 Instructional Media		
510 Equipment		
530 Other (Identify)		
TOTAL SUPPORTING SERVICES – INSTRUCTION		
TOTAL DIRECT EXPENDITURES FOR SPECIAL EDUCATION 200, 300 & 400		
FEDERAL INDIRECT COST ALLOWABLE		

This is to certify that the special education statement of assurances filed with the Alaska Department of Education on _____ is still in effect.

FOR ALASKA DEPARTMENT OF EDUCATION USE ONLY

Federal _____
State _____
Local _____

Chapter Five:

EXCEPTIONALITY DEFINED

The exceptional child has been defined as that child who deviates from the average or normal child in mental, physical, or social characteristics to such an extent that he requires a modification of school practices, or special educational services, in order to develop to his maximum capacity. A child may be said to be educationally exceptional if his deviation is of such kind and degree that it interferes with his development under ordinary classroom procedures and necessitates special education, either in conjunction with the regular class or in a special class or school, for his maximum development.

*** Mental Retardation

This term refers to that group of conditions characterized by a) slow rate of maturation, b) reduced learning capacity, and c) inadequate social adjustment, present singly or in combination, and associated with intellectual functioning which is below the average range, usually present from birth or early age.

*** Physical Disability

Congenital or acquired muscular, sketal, sensory, or neurological or other organic deficiencies which precludes normal progress in the regular school program.

Blindness: A condition of severe visual impairment; such as loss of sight as to result in no measurable vision or vision which is so limited as to be of little if any practical use as a channel of learning.

Partial Sightedness: Visual limitation which interferes with student's learning efficiency to such an extent that special teaching services and aids are required to attain performance standards appropriate for normally sighted students of comparable ability but who rely on vision as a chief channel of learning and use of print as the primary mode of reading. Performance may be adequate with the use of visual aids and modified instructional material and methods.

Deafness: Malfunction of the auditory mechanism resulting in a condition in which hearing is either totally absent or so defective as to

be nonfunctional for the ordinary purposes of life. The hearing impairment is so severe that the student cannot learn primarily by the auditory channel even with a hearing aid, and depends upon the other senses for all educational activities.

Hearing Impaired: Malfunction of the auditory mechanism resulting in a deficiency in hearing acuity and/or speech discrimination but with sufficient residual hearing to acquire speech and language by auditory means with or without a hearing aid or other amplification equipment. The student requires modification of instructional methods and materials or supplementary assistance in order to function and learn at the level of his maximum potential.

Orthopedically Handicapped: Descriptive of crippled children disabled by non-central-nervous-system conditions, such as poliomyelitis, tuberculosis of the spine, fractures, or burns which result in mobility problems significantly reducing participation in usual classroom activities.

Neurologically Handicapped: Descriptive of children who are crippled by a condition of the central nervous system, such as epilepsy, cerebral palsy, postencephalitis, or post-meningitis which significantly restrict participation in usual classroom activites. (Should be included with Orthopedically Handicapped for reporting purposes).

*** Other Health Impairment

Health conditions which result in reduced ability to participate in usual classroom activities. Medical diagnosis may include conditions such as asthma, heart disease, or hemophilia.

*** Emotionally Disturbed

A deep-rooted problem involving control and expression of feelings that result in severe deficiencies in group participation, awareness and/or understanding of self and environment which significantly reduces participation in usual classroom activities.

*** Communicative Disorders

Impairments in articulation, language, voice, or fluency. A communicative disorder may range from a mild to severe developmental, organic, or psychogenic deficit.

Articulation Disorder: The abnormal production of one or more phonemes (speech sounds) that interferes with intelligibility of speech. Four basic types of misarticulation include: substitution of one phoneme for another, omission of phonemes, phonemic distortions, and inappropriate additions of phonemes.

Language Disorder: The acquisition, comprehension or use of expressive and/or receptive language skills, either oral or graphic, which are deviant from accepted norms in terms of syntactical, morphological, and semantic performance.

Voice Disorder: The absence or abnormal production of voice characterized by defective vocal quality, pitch, and/or intensity. [NOTE: When a voice disorder is suspected, a physician's disgnosis is required before services can begin.]

Fluency Disorder: The abnormal flow of verbal expression, including rate and rhythm.

*** Specific Learning Disability

Disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Such term does not include children who have learning problems which are primarily the result of visual, hearing or motorhandicaps, of mental retardation, of emotional disturbance, or environmental, cultural or economic disadvantage.

*** Gifted and Talented

Gifted and talented students are those identified by qualified persons who, by virtue of outstanding abilities represent the top five percent (5%) of a given school district's total student population and are capable of exceptional performance. These are students who require differentiated educational programs and/or services beyond those normally provided by the regular school program in order to realize their contribution to self and society.

This definition seeks to distinguish two groups of students from their peers on the basis of exceptional performance. The two groups are the (1) intellectually gifted and (2) the talented. While intellectual superiority and talent are highly related, the relationship is less than perfect; that is, not all talented students are intellectually superior while most intellectually superior students display exceptional talents. These two groups of students can be distinguished from their normal peers on the basis of a variety of performance indicators.

Chapter Six:

OTHER DEFINITIONS

*** Educational Evaluation

A multificatored evaluation which defines the parameters of a child's assets and deficits in all logical curricular areas, as well as his functioning in the school, home and community. The education evaluation process includes both a diagnostic evaluation and an assessment of needs. (See definitions of diagnosis(es) and assessment.)

*** Diagnosis(es)

The procedure or procedures by which child performance and ability to perform are defined. Procedures may include assessment of level of intellectual capacity, hearing acuity, visual acuity, motoric functions, etc. The outcome of the diagnostic process is that the child's ability and performance are described well enough to evaluate the appropriateness of regular or special education placement. Diagnostic information may also have applicability in making more specific placement decisions (e.g., if a child is seriously visually impaired, provisions will have to be made in placement to use large print materials and perhaps other special instructional materials). Diagnostic information is not sufficient, however, to make refined placement decisions. Accurate assessment of skill deficits and assets provide the additional information needed for more precise determination of appropriate educational programming.

*** Assessment

Procedure by which the exceptional child's skill levels are determined for all relevant curricular areas. A thorough assessment might include determining academic skills and knowledge present and absent (reading, math and appropriate content subjects), language skill level, social skills present and lacking, fine and gross motor skills, etc. On the basis of a thorough assessment of an exceptional child's needs, appropriate short-range educational objectives and instructional programs to meet those objectives can be designed.

*** Initial Identification

Any procedure or set of procedures (school entry screening, child census or survey, parent or teacher referral, etc.) which leads to the location of a potentially exceptional child.

*** Least Restrictive Environment: (Least Restrictive Alternative)

That placement option which assures that exceptional children are educated with children who are in the regular classroom and that special classes, separate schooling or other removal of exceptional children from the regular educational environment occurs only when the nature or severity of the exceptionality is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

*** Long-Range Goals

Long-range educational goals are the Child Study Team's best statements of where a given exceptional child should be in the educational system in the future (in one, in three, or in five years). Such goals can be defined in terms of behavioral statements (e.g., the child will have a saleable vocational skill, be able to manage a checking and savings account, etc.), as well as in-service need statements (e.g., the child needs a vocational/career education aimed at developing saleable skills, skills in money management, etc.).

*** Short-Range Objectives

Short-range objectives are the teacher's best statements of what the child should be doing within the next year. Short-range objectives can be stated behaviorally (e.g., the child will be able to recognize money, both currency and coin, in amounts up to $10), as well as in terms of curriculum units needed by that child (e.g., the child needs a curriculum unit on recognizing and counting money, on time telling, etc.).

*** Due Process

In legal terms, due process means the fair administration of the law. In education this concept has been applied to the right of parents to review educational decisions which affect a child's program, to receive a fair and impartial hearing in a reconsideration of educational decisions, and the right of parents and children of majority age to review school records, etc.

Chapter Seven:

DETERMINING ELIGIBILITY FOR SPECIAL EDUCATION SERVICES

** Introduction

Standardized tests are widely used in assessment related to educational evaluation, and in assessment of ability. Careful interpretation of test results is always necessary when considering the status of any individual child or of any group of children with backgrounds which vary from the general population. In Alaska, cultural diversity requires extreme caution in interpreting all results.

Attention to cultural diversity is critical in Alaska

Procedures to assure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of exceptional children will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child. [P.L. 94-142; Section 612 (5)(C)]

There are no simple rules to apply in testing or interpreting tests for a given child. Providing test instructions, or even translating the test into the child's native tongue (unless it is clearly not feasible to do so), will help in gaining more meaningful results. Using trained assessment personnel who are well versed in the culture of the child, or best of all, from that culture, would probably also provide very meaningful results. Utilizing competent professional teams for assessment and interpretation provides the best assurance of valid decisions.

Testing can be meaningful if done thoughtfully

For individuals or for groups of children not successful in regular classrooms, it is the responsibility of the school district to develop appropriate programs to meet the needs of those children. It is the clear intent of the legislature, however, that programs designed primarily to deal with culturally divergent children should not be used to generate Public School Foundation Units for Special Education. The function of these eligibility guidelines then, is not to insure that labels are systematically applied to exceptional children. In no case should a school district feel that the determination of eligibility is sufficient grounds for determining the kind of placement required to meet a child's special needs - that final placement determination must await a specific educational needs assessment for that child as determined by the Child Study Team. (See Chapter 2 of this document). These eligibility guidelines are designed primarily to insure that the extra resources available through the special education schedule of the Public School Foundation Program are provided to those children who are exceptional as described by law.

Special education is not intended to focus upon cultural divergence as a condition of exceptionability

*** General Eligibility Guidelines

Several general guidelines for determining the eligibility of a child for special services do apply, regardless of the child's cultural background or exceptionality:

1. The child must be of legal school age in Alaska. For exceptional children, this is 3-19 years of age.

2. And, the child must be functioning at a level significantly below the average for his peer group of the same age and cultural background (or significantly above average for the talented or gifted child.).

3. The child must be unable to learn successfully (up to his potential) in the regular school program without special supportive services.

4. A person over school age may be admitted to the public school in the school district in which he is a resident at the discretion of the governing body of the school district. A person over school age may be charged tuition by the governing body of the school district. [AS 14.03.080(b)]

*** Specific Eligibility Criteria

Mentally retarded

A child can be eligible for special education after being evaluated and recommended for special education placement by the Child Study Team with consideration given to the following criteria:

1. Intellectual performance, based on appropriate age level measures and interpreted by qualified personnel who are aware of the cultural and language differences, which shows intellectual potential to at least one and 2/3 standard deviations below the mean.

2. Social and adaptive behavior equal to 3/4 or less of chronological age.

Visually handicapped

A child can be eligible for special education placement if the child exhibits deficiencies in the regular school program as determined by the Child Study Team, and

1. the child has a handicapping visual acuity as determined by an eye specialist or qualified physician.

2. a qualified physician or eye specialist recommends special services requiring the use of non-standard instructional materials or aids designed to facilitate the child's learning.

A child can be eligible for special education placement if the Child Study Team so determines after:

1. His or her visual acuity is 20/200 or less in the better eye with correction;

2. Or, his or her visual perception is impaired by a field deficit in which the visual field subtends an angle no greater than 20 degrees ("tunnel vision").

3. A qualified physician or eye specialist indicates that functional vision is virtually absent for purposes of learning and that special serivces utilizing primarily other sensory modalities are required.

Hearing Impaired

A child can be eligible for special education placement if the Child Study Team so determines after:

1. The child has a handicapping hearing loss as determined by an audiologist or physician.

2. Evaluation indicates that (a) educational performance is deficient and related to the hearing impairment, and (b) special instructional techniques, materials, and/or equipment are needed in order to facilitate learning through the auditory modality.

Deaf

A child can be eligible for special education placement if the Child Study Team so determines after:

1. The child has a severe loss of auditory sensitivity which interferes with speech reception and discrimination abilities as determined by an audiologist or qualified physician.

2. Evaluation indicates that the auditory modality cannot serve as the modality for speech and language development and special instructional techniques utilizing other sensory modalities are required in order to facilitate learning.

Orthopedically handicapped

A child can be eligible for special education placement if the Child Study Team so determines after:

1. The child, because of the nature of his or her handicap, cannot participate safely and profitably in the regular education program without specialized equipment and instructional methods.

2. A qualified physician or orthopedic specialist determines that the child suffers from a motoric, skeletal or other orthopedic impairment and recommends special education placement.

A child can be eligible for special education placement if the Child Study Team so determines after:

Neurologically handicapped (Should be included with Orthopedically handicapped for FTE report)

1. The child is diagnosed by a qualified physician or neurologist as having a neurological impairment which results in an educationally significant deficit(s) in one or more of the following areas: Motor, sensory-motor, perceptual, cognitive or behavioral.

2. The child lags significantly in educational progress when compared to peers of like age and culture (2 or more years behind).

A child can be eligible for special education placement if a physician in conjunction with the Child Study Team certifies that the child is unable to benefit from a regular school program due to a chronic ailment or condition or acute condition which makes attendance in a regular program without special support, or regular attendance unadvisable.

Other Health Impairments

A child can be eligible for special education placement if the Child Study Team determines that:

Multiply Handicapped

1. They meet the criteria for special education placement in more than one area of exceptionality.

2. The nature of their multiple handicapping condition is so severe they cannot adapt to a special program specifically designed for one major handicap.

Communicative Disorders - A child can be eligible for special education placement if:

Communicative Disorders

As a result of diagnostic and predictive testing a Speech/Language Pathologist as a member of the Child Study Team determines that the student has a significant articulation, language, voice, or fluency disorder as defined on pages 5.2-5.3.

Specific Learning Disabilities (Eligibility Criteria)

Learning Problems

The Child Study Team may conclude that a learning disability is present when a child does not manifest general mental subnormality, does not show an impairment of visual or auditory functions, is not prevented from pursuing educational tasks by unrelated psychological disorders, and is provided with adequate cultural and educational advantages but nonetheless manifests an impairment in academic achievement that is associated with difficulties in sustaining selective attention.

The following three conditions must be met in order to identify children to be served as learning disabled.

1. Possesses the potential for average or above average intellectual functions, relative to chronological peers of a similar social-cultural background.

   Potential for average, or above, intellectual functioning is defined in terms of performance on two or more of the following measures:

   a. Adaptive behavior scales;

   b. Individual standardized intelligence tests (such as the WISC-R, WAIS, WPPSI, Stanford-Binet, Slosson);

   c. Behavioral measures indicating the child is intellectually average or above average.

   Responsibility rests with the district to provide data and defend its appropriateness. This permits the use of local norms for standardized tests and/or criterion referenced measures of intellectual performance.

2. Has significant academic problems.

   A significant academic problem exists when the CST finds that a child has a severe discrepancy between academic achievement and intellectual ability in one or more of the following areas:

   a. Listening Comprehension

   b. Written Expression

   c. Reading

   d. Mathematics

   e. Spelling

   Underachievement by the following amounts would equate a severe discrepancy:

   a. Preschool and kindergarten: performance of minus 1.5 standard deviations on tests of readiness and language development using regional or national norms or performance in the bottom 10% relative to

chronological age, peer on reading or language instruments used.

b. First and second grade: performance of minus 1.5 standard deviations on tests of readiness, language or achievement or performance in the lowest 10% relative to chronological age peers on two measures used.

c. Third through seventh grades: estimate the grade that the child should be in according to his chronological age; divide the grade level by two; if his measured performance in one of the academic areas is below that figure, he qualifies.

d. Eighth grade and above: students must perform at 4.5 grade level or below (presumably, students who score higher have already reached or ar approaching a functional mastery of that skill).

3. The definition excludes children "who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or environmental, cultural or economic disadvantage".

In addition, LEA's must be able to show that viable general education alternatives have been given a fair trial and have been found not to be effective. Examples would include individualized instruction, tutoring, remedial reading, English or a second language and/or bilingual education, compensatory education, placement with other teachers and/or general education resource programs, etc. Responsibility rests with the district to provide data and defend its appropriateness.

The total evaluation of the student must be carefully weighed in terms of the students social, cultural, and economic background. Poor academic functioning due to such things as irregular attendance in school, low intelligence, bilingual background, lack of educational stimulation in the home, etc., does not qualify a student for a special education program or service under the definition of learning disabilities.

The use of systematic observation in multiple settings and criterion referenced measures must be documented. This will provide not only a means for determining placement, but, also information upon which decisions about student performance, future placement, and program can be based.

Evaluation and assessment must be done in order that teaching materials and the learning environment can be matched with the specific needs of the child under consideration.

Severe Emotional Problems

A child is eligible for special education placement if a psychiatric or psychological assessment (by an appropriate Child Study Team) shows a reasonable indication of social-emotional disturbance either in the absence of all other handicaps or is determined to be the primary handicap. The following criteria must be considered before placement in special education for E.D.:

1. The child is not capable of functioning educationally in a group setting.

2. Any E.D. child who is to receive special education services shall be under the active routine attention of qualified medical and/or psychological personnel.

    a. The Child Study Team shall develop an individual education plan that delineates the type and duration of services. The I.E.P. shall carefully utilize techniques developed in a joint staffing including appropriate medical and/or psychological personnel.

1. Identification of students as gifted and talented must be done through the use of multiple performance indicators. No single test, test score, other measurement or nomination procedures shall be the determining factors. Both objective and subjective measurements must be used. While some standardized tests exist for identification of giftedness and talent, districts may adopt them or develop their own in order to meet local needs.

2. Multiple performance indicators to identify intellectually gifted students might include, but are not limited to, the following:

   a. Superior score on an individual or group achievement tests;

   b. Superior score on individual or group intelligence tests;

   c. Superior score on aptitude tests in specific areas;

   d. Pupil products such as grades, class activities, and work; such as: exceptional art work, creative writing, musical ability, "inventions", etc.;

   e. Nominations from teachers, parents, peers, self, and community members.

3. Talented students are those who have demonstrated exceptional performance in one or more of the following areas:

   a. Creative or productive thinking;

   b. Leadership;

   c. Visual or performing arts;

d. Manipulative skills;

4. School districts may identify only the top five percent (5%) of their total district population as gifted or talented. It is recommended that a district not develop a program that will result in the entire 5% in only one gifted and talented area.

5. Districts shall submit to the Commissioner an acceptable plan prior to funding. This plan must be consistent with the State Special Education Handbook, and include the following elements:

   a. A statement of philosophy for gifted and talented program;

   b. Program goals and objectives, both annual and long range (two to three years);

   c. Specific student identification procedures;

   d. Program and curricular alternatives;

      1) Staff utilization plan;

      2) Staff in-service plan;

      3) Annual program evaluation.

6. General elements to be included in the evaluation design:

   a. The evaluation design should focus on:

      1) Student progress, and

      2) Program administration;

   b. The evaluation design should be developed during the program planning process;

   c. Evaluation procedures should be related to goals and objectives of the program;

   d. Student evaluation should be formative (i.e., continuous);

   e. Evaluation should be comprehensive, using several techniques and assessment methodologies;

   f. The evaluation should reveal to what extent goals and objectives have been accomplished.

7. Areas to be considered for evaluating programs:

   a. The effects on the students in the program;

   b. The effects on other students;

   c. The effects on parents;

   d. The effects on the community;

   e. The effects on the faculty;

   f. The administration of the program;

   g. The effects on the total education programs within the school or districts.

8. Techniques of Evaluation

   There is a multiplicity of tests, inventories, observational techniques, and measuring devices available to assist in the assessment process. Some examples of these techniques are the following:

   a. Standardized tests

   b. Teacher-made inventory tests of behavior, self-image, or sociological development

   c. Individual conferences

   d. Group conferences

   e. Group counseling

   f. Parent reaction

   g. Peer reaction

   h. Student reaction

   i. Sociograms

   j. Psychological tests

   k. Rating scales for creativity, motivational aspects, student awareness

   l. Student ability

   m. Student readiness

   n. Expert opinion

   o. Student projects/products

A thorough evaluation program will utilize several of the above techniques. Continued funding for gifted and talented programs is dependent upon submission of evaluation data to the Office for Exceptional Children indicating the effectiveness of the district's gifted and talented program. The subsequent year's plan must indicate how evaluation results were used to modify the program.